

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Lawrence G. McDade, Chairman
Dr. Kaye D. Lathrop
Dr. Richard E. Wardwell

In the Matter of

ENTERGY NUCLEAR OPERATIONS, INC.

(Indian Point Nuclear Generating Units 2 and 3)

Docket Nos. 50-247-LR and 50-286-LR

ASLBP No. 07-858-03-LR-BD01

February 17, 2011

ORDER

(Extending Page Limitations for Pleadings as They Apply to Answers to Clearwater's and Riverkeeper's January 24, 2011, Joint Motion, and New York State's Motion to Amend Contention 17A and Waiver Petition, Filed January 24, 2011)

Applicant, Entergy Nuclear Operations, Inc. (Entergy) has filed an Unopposed Joint Motion on its own behalf and on behalf of the NRC Staff, which it characterizes as a Motion for Clarification.¹ The Motion would more appropriately have been characterized as a Motion to Extend the Page Limitations on Pleadings.

Entergy and the NRC Staff request that we extend by 25 pages the 25-page limit imposed by Paragraph G.1 of our Scheduling Order dated July 1, 2010, as that limit applies to Entergy's and the NRC Staff's responses to January 24, 2011 filings by Hudson River Sloop Clearwater, Inc. (Clearwater), Riverkeeper, Inc. (Riverkeeper), and the State of New York (New York).² We grant the request.

While we have characterized Entergy's pleading as a Motion to Extend the Page Limitations on Pleadings, we concede that some clarification is appropriate. On January 24, 2011, Clearwater and Riverkeeper filed a Joint Motion for Leave to Add New Contentions. The Motion as presented consisted of 50 pages. Movants neither requested nor received approval from the Board to exceed

¹ Unopposed Joint Motion for Licensing Board Order Clarifying Page Limitation (Feb. 15, 2011) at 1.

² Id. at 1-2.

the 25-page limitation imposed by Paragraph G.1 of the Board's Scheduling Order dated July 1, 2010. However, when the Motion is examined, it appears that the first 16 pages articulate the Motion for Leave to File, and the remainder of the pleading states the newly proposed contention.

When the Board issued its Scheduling Order on July 1, 2010, we directed that any motion for leave to file a new or amended contention be filed simultaneously with the new or amended contentions themselves.³ Further, when we issued the Scheduling Order, we anticipated that such motions and their proposed contentions would be filed as separate documents, each separately subject to the 25-page limit set at Paragraph G.1 of that Order. That was the procedure followed by New York with its January 24th pleadings. While we anticipated separate filings, we did not direct them and, after reviewing Clearwater's and Riverkeeper's pleading, we believe that a single pleading may well have been preferable. Accordingly, in the event additional new or amended contentions are filed in this proceeding, the moving party may, but need not, consolidate the motion for leave to file, and the substantive contention, into a single pleading subject to a 50-page limit. Moreover, if such a consolidated pleading is submitted, the answers to those pleadings may be consolidated and, if consolidated, shall also be subject to a 50-page limit.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁴

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 17, 2011

³ Licensing Board Scheduling Order (July 1, 2010) at para. F.1 (unpublished).

⁴ Copies of this Order were sent this date by Internet e-mail to: (1) Counsel for the NRC Staff; (2) Counsel for Entergy Nuclear Operations, Inc.; (3) Counsel for the State of New York; (4) Counsel for Riverkeeper, Inc.; (5) Manna Jo Green, the Representative for Clearwater; (6) Counsel for the State of Connecticut; (7) Counsel for Westchester County; (8) Counsel for the Town of Cortlandt; (9) Mayor Sean Murray, the Representative for the Village of Buchanan; and (10) Michael J. Delaney, counsel for the City of New York.

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NUCLEAR REGULATORY COMMISSION

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ENTERGY NUCLEAR OPERATIONS, INC.)	Docket Nos. 50-247-LR
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(Indian Point Nuclear Generating Station,)	
Units 2 and 3))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (Extending Page Limitations for Pleadings as They Apply to Answers to Clearwater's and Riverkeeper's January 24, 2011, Joint Motion, and New York State's Motion to Amend Contention 17A and Waiver Petition, Filed January 24, 2011) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Adjudication
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
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Atomic Safety and Licensing Board Panel
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Docket Nos. 50-247-LR and 50-286-LR

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[Original signed by Christine M. Pierpoint]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 17th day of February 2011